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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,295	08/03/2000	Jay S. Walker	96-200X	1956

22927 7590 08/01/2003

WALKER DIGITAL  
FIVE HIGH RIDGE PARK  
STAMFORD, CT 06905

EXAMINER
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WEISBERGER, RICHARD C

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/632,295

Applicant(s)

WALKER ET AL.

Examiner

Richard C Weisberger

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 60 and 70-96 is/are pending in the application.
- 4a) Of the above claim(s) 70-72 and 93-95 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 60 and 73-92 and 96 is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### ***Election/Restrictions***

Newly submitted claims 70-72, 93,94 and 95 are directed to an invention that is independent or distinct from the invention originally elected claim 60 for the following reasons: Claim 60 is directed to an method. There are no limitations directed to a computer or computer readable medium. Claim 60 has been both expressly elected (Paper 8) and constructively elected (previous office action). Accordingly, claims 70-72, 93,94 and 95 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

With respect to claim 79, transmitting a request for a line of credit for the customer to the credit provider, it is not clear from whom the request is made.

With respect to claim 89, transmitting an indication of a guarantee for an amount in excess of the line of credit is unduly vague. What and for whom is the guarantee?

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 60, 73-92 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over [www.CardWeb.Com](http://www.CardWeb.Com) , Card Trek Online, "Sears Premier Card".

The prior art teaches that sears routinely offers its best customers with the Sears Premier Card. The new program is designed to recognize and reward customers who have made 'Sears Card' purchases totaling at least \$600 in the previous 12 months. A newly designed blue and gold credit card will replace the current 'Sears Card' held by customers who meet. Moreover, the reference teaches that sears sends notification of the pre-approved guaranteed premier card by mail.

Therefore, the reference teaches obtaining an indication from a credit provider (e.g., Sears financial headquarters or the like) of a line of credit that has been established for a customer who is expected to arrive at a particular location (i.e., a previous Sears's customer).

The reference fails to teach offering the line of credit while the customer is at sears or activating the line of credit as part of a chargeable event. It would have been obvious for one skilled in the art at the time to have offered the credit line

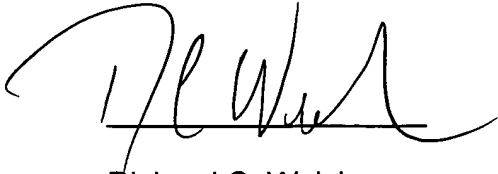
increase at the sears store motivated by the desire to increase sales and the like. It would have been obvious for one skilled in the art to have imbedded this set of instructions via With respect to claim 79, transmitting a request for a line of credit for the customer to the credit provider is inherent in the previous scenario. With respect to claim 82, this limitation is inherent in the previous scenario.

With respect to claim 85, receiving a reservation for future services from the customer, the examiner takes official notice that sears offers services (e.g., home repair). Thus a customer could buy the arrange for the services in the course of the transaction.

With respect to claim 87, the examiner takes official notice that it is well known for retailers to provide incentive to the customer to make a purchase at the predetermined

\ Respectfully

By,

A handwritten signature in black ink, appearing to read 'R. C. Weisberger', written over a horizontal line.

Richard C. Weisberger

Telephone 703 308 4408

Email [Richard.weisberger@ustpo.gov](mailto:Richard.weisberger@ustpo.gov)